



# TOWN OF UPTON, MASSACHUSETTS

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## Code Enforcement Department Zoning Board of Appeals

**July 15, 2020 @ 6:30 PM -- Remote meeting (gotomeeting.com)**

Members participating: Ted Briggs, Bill Andrews

Associate Members Participating: Bob Humes, Eric Reustle

Minutes transcribed from hand-written notes taken by Denise Smith, Department Assistant.

6:30 PM: Meeting opened; Denise Smith read the following:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

Ted Briggs read meeting agenda.

BA made a motion to accept the minutes from 5/20/20 meeting, 2<sup>nd</sup> – roll call vote to approve: BA-Y, TB-Y, BH-Y and ER-Y.

6:35 PM 39 Pleasant St – Robert Scholz request for a Variance to demolish the existing pre-existing nonconforming house and build a new house with the same front setback. Original structure

BA made a motion to grant a variance to Richard Scholtz of 39 Pleasant St to allow demolition of the existing structure and rebuild per the plan presented with the current front setback of 23.8 feet; motion was seconded and made unanimous by roll call vote: BA-Y, TB-Y and BH-Y.

6:45 pm Petition of Matthew Bartlett, 21 Plain St to discuss signage and advertising in regards to the Building Inspectors written letter (dated 5/22/2020) stating violation to the Zoning Bylaws section 5.12.3 §4 – signs on town property; and section 5.12.6 §1 – signs relative to home occupation or business n/t/e 4 sq ft. Mr. Bartlett questioning why his signs were picked up as they are w/in size limit and are on customers property.

Ted Briggs stated these signs can be placed while working on a property.

Diane Judd stated other contractors (builders/windows/roofers) are allowed signs to be up for 30 days; there is no definition of “contractor”. Seems that landscaper should fall under contractor.

Bob Humes pointed out that under section 5.12.6 §4 that signs are allowed for 1 week; this should apply to landscape business.

Eric Reustle suggests that the sign bylaw should be updated as a whole.

Matthew Bartlett explained that he works many properties w/in town and may be on site for a week for a landscape job, not just mowing/maintenance.

Motion made to allow Matthew Bartlett to place signs (less than 4 sq ft) for his business on private property for one week where he is conducting major project; signs can be place only while mowing on site. Suggest he work with Pat Roche to determine where signs are allowed. Motion seconded and approved unanimously. Roll call vote to approve: TB-Y, BA-Y and BH-Y

7:05 pm Discussion of ZBL section 3.3.7 – Reconstruction after Catastrophe or Demolition relative to 135 Glen Ave which recently was destroyed by fire. Ted Briggs spoke with Pat Roche who said MGL Chp 40 supersedes the bylaw; Eric Reustle does not think that is correct as this is a catastrophe. No ZBA approval is needed but in order to provide any potential issues down the road the Board feels a sp or variance should be issued.

Motion made to hold a hearing for 135 Glen Ave so they may proceed with demolition and construction to rebuild the home; fees will be waived and the ZBA will take care of legal notices and notifying the abutters – 2<sup>nd</sup> and made unanimous. Roll call vote to authorize: TB-Y, BA-Y and BH-Y.

7:15 PM – Motion to adjourn 2<sup>nd</sup> & approved unanimously by roll call vote BA-Y; TB-Y; BH-Y.

Minutes approved: **January 20, 2021 (remote meeting)**